



# GEORGIA STATE BOARD OF COSMETOLOGY AND BARBERS

Secretary of State  
Professional Licensing Boards Division

## NOTICE OF INTENT TO ADOPT PROPOSED RULES AND NOTICE OF PUBLIC HEARING

### RULES CHAPTER 240-1 ORGANIZATION

#### TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Cosmetology and Barbers (hereinafter "Board") proposes to adopt the following rules: 240-1-.01 ORGANIZATION FOR THE BOARD, 240-1-.02 PROCEDURAL RULES, 240-1-.03 LICENSE APPLICATION FEES AND RENEWAL FEES, and 240-1-.04 LICENSE REINSTATEMENT.

This notice, together with an exact copy of the synopsis of the proposed rule, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice and a synopsis of the proposed rule may be reviewed during normal business hours (8:00 am to 5:30 pm Monday through Friday, except official State holidays) at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's web page at [www.sos.ga.gov/plb/cosmetology](http://www.sos.ga.gov/plb/cosmetology). Copies may also be requested by contacting the Georgia State Board of Cosmetology and Barbers at (478) 207-2440.

Any interested party affected by the rule may present comments to the Board no later than June 20, 2016. Written comments should be addressed to Lisa Durden, Director, Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217. Comments may be submitted by fax to 1-866-888-1176.

A public hearing is scheduled to begin at 9:00 a.m. on June 27, 2016 at the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input into the proposed rule.

The Board voted to adopt this Notice of Intent at its March 7, 2016 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §43-10-2(d), which requires the Board to regulate the practice of cosmetology and barbering in this state. Finally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§43-1-3, 43-1-4, 43-1-5, 43-1-7, 43-1-16, 43-1-19, 43-1-21, 43-1-25, 43-10-2, 43-10-6, 43-10-7, 43-10-8, 43-10-9, 43-10-10, 43-10-11, 43-10-12, 43-10-14, and 43-10-15 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, or owned and operated and dominant in the field of cosmetology and barbering.

The proposed rule will be considered for adoption by the Georgia State Board of Cosmetology and Barbers at its meeting scheduled to begin at 9:00 a.m. June 27, 2016 at the Professional Licensing Boards Division at 237

Coliseum Drive, Macon, Georgia 30217. According to the Department of Law, State of Georgia, the Georgia State Board of Cosmetology and Barbers has the authority to adopt the proposed rules for Chapter 240, pursuant to authority contained in O.C.G.A. §§43-1-3, 43-1-4, 43-1-5, 43-1-7, 43-1-16, 43-1-19, 43-1-21, 43-1-25, 43-10-2, 43-10-6, 43-10-7, 43-10-8, 43-10-9, 43-10-10, 43-10-11, 43-10-12, 43-10-14, and 43-10-15.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 27 day of May, 2016.

A handwritten signature in blue ink, appearing to read "Lisa W. Durden", is written over a horizontal line.

Lisa Durden  
Division Director  
Professional Licensing Boards Division

Posted: 27 MAY 16



# GEORGIA STATE BOARD OF COSMETOLOGY AND BARBERS

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## SYNOPSIS OF PROPOSED RULES

### CHAPTER 240-1 ORGANIZATION

**Purpose:** The passage of House Bill 314 by the Georgia General Assembly and signed into law by the Governor effective July 1, 2015 combined the former Georgia Board of Barbers and the former Georgia Board of Cosmetology into a single, combined board, the Georgia State Board of Cosmetology and Barbers. The new Board must adopt new rules for Chapter 240 prior to July 1, 2016.

**240-1-.01 ORGANIZATION FOR THE BOARD:** This proposed rule largely restates the statutes organizing the Board and establishing its relationship with the Secretary of State.

**240-1-.02 PROCEDURAL RULES:** This proposed rule adopts the Joint Secretary, Professional Licensing Board Rule Chapters 295-3 through 295-13. These chapters establish procedures for the proceedings before professional licensing boards.

**240-1-.03 LICENSE APPLICATION FEES AND RENEWAL FEES:** This proposed rule establishes standards the issuance of licenses and the fees associated with application and renewal processes.

**240-1-.04 LICENSE REINSTATEMENT:** This proposed rule establishes the failure to renew a license within six months of its expiration shall have the same effect as revocation and to reactivate a license, the applicant must apply for reinstatement, pay a reinstatement fee, and meet such other conditions which the Board may deem necessary.

**Main Feature:** The new proposed chapter identifies organization standards, rules, and regulations as required by the Georgia State Board of Cosmetology and Barbers.

#### Rule 240-1-.01 Organization of Board

- (1) The Georgia State Board of Cosmetology and Barbers is created by act of the Georgia General Assembly with the passage of House Bill 314 to amend Title 43 Chapter 10 of the Official Code of Georgia Annotated, relating to professions and businesses, combining the former Georgia State Board of Barbers and the former Georgia State Board of Cosmetology effective July 1, 2015 (O.C.G.A §43-10).
- (2) Pursuant to O.C.G.A. Title 43, Chapters 1 and 10, all Rules and Regulations of the Georgia State Board of Cosmetology and Barbers pertaining to licensure, complaints and enforcement shall be administered by the Professional Licensing Boards Division of the Office of the Secretary of State. The office of the Division Director is located at 237 Coliseum Drive, Macon, Georgia 31217.



- (3) The Board receives, reviews, and adjudicates student and consumer complaints with regard to the educational facilities and individuals licensed by the Board in compliance with 34 CFR § 600.9(a)(1). Disciplinary action by the Board includes, but is not limited to the following: compliance orders, citations, fines, referral to other federal and state agencies, as well as probation, suspension and/or revocation of license, when warranted.
- (4) The members of the Georgia State Board of Cosmetology and Barbers shall be appointed by the Governor ([O.C.G.A §43-10-2 \(f\)](#)).
- (5) The public may obtain information and submit requests at the Office of the Division Director, Professional Licensing Boards ([O.C.G.A § 43-10-2 \(i\)](#)).

**Authority:** O.C.G.A. 43-1-3, 43-1-4, 43-1-5, 43-1-16, 43-1-19, 43-1-21, 43-10-2, 43-10-6, 43-10-7, 43-10-8, 43-10-9, 43-10-10, 43-10-11, 43-10-12, 43-10-14, 43-10-15

#### **Rule 240-1-.02 Procedural Rules**

- (1) The Georgia State Board of Cosmetology and Barbers hereby adopts by reference as its permanent rules Chapters 295-3 through 295-13, and any further amendments thereto, Rules and Regulations of the Office of Joint Secretary, Professional Licensing Boards Division, relating to Procedure for Hearings before the several Georgia Professional Licensing Boards.

**Authority:** O.C.G.A 43-1-25, 43-10-2

#### **Rule 240-1-.03 License Application Fees and Renewal Fees**

- (1) Licenses shall be issued and renewed in accordance with the Joint Secretary Rules. These rules may be found at 295-2. All license/permit fees for renewal and reinstatement shall be established by the Board periodically as set forth on a fee schedule.
- (2) The fee schedule is available from the Board office and at the Board's website. Fees may be reviewed and changed at the discretion of the Board. The Board may assess a paper application processing fee that is greater than or in addition to an electronic application fee(s). The Board may assess a late renewal fee that is greater than or in addition to any other renewal fee(s) if a license is renewed after the license expiration date.
- (3) Electronic renewal notices are sent only as a courtesy. The responsibility of license renewal, on or before expiration date, remains with the license holder.

**Authority:** O.C.G.A. 43-1-4, 43-1-7, 43-10-2, 43-10-9, 43-10-10, 43-10-11, 43-10-12

#### **Rule 240-1-.04 License Reinstatement**

- (1) Failure to renew license within six (6) months following expiration of the license shall have the same effect as a revocation of license, which shall require the licensee to apply to the Board for reinstatement, pay a reinstatement fee and meet such other conditions as the Board may deem necessary.
- (2) In order to reinstate a license after expiration, the applicant shall pay all fees required by law or rule, and shall submit documentation of completion of the required Continuing Education (CE) hours.  
A license shall be issued upon completion of all requirements of the laws and rules.
- (3) Reinstatement shall not be granted if the applicant has any outstanding fines or fee(s).
- (4) The required fee for reinstatement of each license type shall be as follows:
  - (a) Individual or Instructor license - \$200
  - (b) Salon/Shop - \$300
  - (c) School - \$1000

**Authority: O.C.G.A. 43-1-7, 43-1-19, 43-10-2, 43-10-10**



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- (10) The public may obtain information and submit requests at the Office of the Division Director, Professional Licensing Boards (O.C.G.A § 43-10-2 (i)).

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